

**BYLAWS
OF
LINCOLN CHARTER SCHOOL SPORTS BOOSTER CLUB
A NON-PROFIT CORPORATION**

**Article I
Name and Location**

1.01. The name of the organization shall be Lincoln Charter School Sports Booster Club, Inc. (hereinafter referred to as "Sports Booster Club" or "Boosters").

1.02. All club meetings may be held at such places within the Lincoln Charter School (LCS) district as designated by school administration and club officers.

**Article II
Purpose and Structure**

Purpose: The purpose of this organization shall be to support the Lincoln Charter School Sports program and promote excellence, pride and good sportsmanship amongst the student body and community. The organization shall encourage parent and guardian involvement.

This organization is organized and operated for the charitable purposes as defined in Section 501(c)(3) of the Internal Revenue Code. The purposes of the organization include raising funds and purchasing personal property and services to be used by students and faculty of Lincoln Charter School, providing volunteers for extracurricular activities, and exercising other powers conferred by the laws of North Carolina on nonprofit corporations.

This Booster Club shall be self-governing, self-supporting, non-commercial, nonsectarian, nonprofit and nonpartisan, and shall seek neither to direct the administrative activities of LCS nor to control its policies.

No part of the net earnings of the Booster Club shall inure to the benefit of, or be distributable to, its members, officers, or other private persons, except that reasonable compensation may be paid for services rendered to or for the organization affecting one or more of its purposes. No member, officer, or private individual shall be entitled to share in the distribution of any of the organization's assets on the dissolution of the Booster Club. No substantial part of the activities of the Booster Club shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the Booster Club shall not participate in, or intervene in (including the publication of statements) any political campaign on behalf of any candidate for public office.

The Booster Club shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue code and Regulations as they now exists or as they may be amended.

The Booster Club shall observe the following regulations: University Interscholastic League Booster Club Guidelines and all local, state, and federal laws which apply to nonprofit organizations.

Upon dissolution of this organization, assets shall be distributed exclusively to charitable or other nonprofit organizations which would then qualify under the provisions of Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may be amended.

The Booster Club is organized pursuant to the North Carolina Nonprofit Corporation Act and does not contemplate pecuniary gain or profit and is organized for nonprofit purposes which are consistent with the provisions of Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may be hereafter amended.

Article III Membership

3.01. Membership: Membership in this organization is open to any person who is a parent/guardian of a child or children who participate in LCS sports, and who will uphold the policies of this organization and agree to its Bylaws. Each member shall have the right to vote; however, a maximum of one membership/one vote shall be granted to each family unit.

3.02. Quorum for General Membership Meetings: There must be at least five (5) members present, two (2) of which are current Officers/Executive Board members, for there to be a quorum for the transaction of business. In the absence of a quorum, the members may not take action. In that event, any matter brought before the membership, at the meeting at which a quorum is not present, shall be discussed and decided by the Executive Board.

3.03 General Meetings: There shall be at least one General Meeting of the membership in April of each year, at which time the officers are elected for the next school year. Such additional business or special meetings may be held alone or in conjunction with an event sponsored by the organization as is determined by the Executive Board or at the request of twenty (20) or more members in writing to the Executive Board.

Article IV Executive Board

4.01 Qualification. The Executive Board shall consist of the elected officers of the organization.

4.02 Authority: The affairs, activities, and operation of the organization shall be managed by the Executive Board. The Executive Board shall transact necessary business during the intervals between the

meetings of the membership and such other business as may be referred to it by the membership or these Bylaws. It may create Standing and Special Committees, approve the plans and work of standing and special committees, prepare and submit a budget to the membership, and, in general, conduct the business and activities of the organization.

4.03 Compensation. No officer shall receive compensation for any service he or she may render to the organization. Board members may be reimbursed for actual expenses incurred in the performance of their duties.

4.04 Reason to remove: By a two-thirds (2/3) vote of the Executive Board an officer or chairman may be removed from office for failure to perform duties, criminal misconduct or unethical behavior. An officer or chairman who misses two (2) consecutive meetings may, after receipt of written notice, be removed from office.

4.05 Officers: Officers shall be elected at the General Meeting in April and will take office immediately. The Nominating Committee will name a slate of officers and the floor will also be open for nominations. The officers will be elected by simple majority of the membership present. The President may appoint replacements or an at-large position to any vacancy of an unexpired term that must be filled, with the Executive Board approval.

The officer positions shall consist of President, Vice President, Secretary and Treasurer. The President shall name any other positions he/she feel is necessary for their term.

a. The **President** shall:

- Regularly meet with the designated district and/or school representative(s) regarding booster activities;
- Prepare an agenda and preside at all meetings of the organization;
- Preside over ceremonial events and provide general representation for the organization at LCS Athletic events.
- Appoint chairmen of special committees subject to approval of the Executive Board;
- Be authorized to sign on bank accounts.
- Regularly meet with the treasurer of the organization to review the organization's financial position;
- Schedule annual audit of records at the end of the year or request an audit if the need should arise during the year;
- Perform any other specific duties as outlined in the bylaws of the organization.

b. The **Vice President** shall:

- Preside at meetings in the absence or inability of the president to serve;
- Perform administrative functions delegated by the president;
- Perform other specific duties as outlined in the bylaws of the organization.

c. The **Secretary** shall:

- Keep an accurate record of all regular and special meetings.
- Be the custodian of the Bylaws of the organization and the Articles of Incorporation and any other organization documents provided to them by the Executive Board.
- Maintain records of attendance of each officer;
- Conduct and report on all correspondence on behalf of the organization;
- Other specific duties as outlined in the bylaws of the organization.

ci. The **Treasurer** shall:

- Receive all funds and disburse those funds as designated by the Executive Board.
- Issue a receipt for all monies received and deposit said amounts on at least a weekly basis (daily if receipts on hand exceed \$ 250.00);
- Present a current financial report to the executive board and general membership within thirty days of the previous month end;
- Maintain an accurate and detailed account of all monies received and disbursed;
- Reconcile all bank statements as received and resolve any discrepancies with the bank immediately;
- File sales tax reports as required by the comptroller's office (monthly, quarterly, or annually);
- File annual IRS form 990 in a timely manner;
- Submit records to audit committee appointed by the organization upon request or at the end of the fiscal year;
- Other specific duties as outlined in the bylaws of the organization.

4.06 **Term.** Each elected officer shall serve a term of one (1) year or until a successor has been duly elected or appointed. Officers may be elected for up to two consecutive terms in the same office. No one may hold dual offices.

4.07 **Regular or Special Meetings.** The President shall call regular and special meetings to include all officers of the Executive Board as business dictates. The President shall include committee chairs if the order of business requires their presence. The President shall draft an agenda and distribute it with a notice of the meeting at least two (2) days prior to such regular and special meeting.

4.08 **Quorum for Regular or Special Meetings.** A majority of the Executive Board shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a quorum of the Board members is present at said meeting, a majority of the Board present may adjourn the meeting from time to time without further notice. The act of a majority of the Board present at a meeting at which a quorum is present shall be the act of the Executive Board.

4.09 Voting. Each officer of the Executive Board shall have one (1) vote on any business matter. The decision of a majority of the voting members present at a meeting at which a quorum is established will be binding on the organization.

Article V Standing Committees

5.01 Term. Each standing committee chairman shall serve a term of one (1) year or until a successor has been duly elected or appointed. Chairman may be appointed for up to two consecutive terms in the same office.

5.02 The President shall appoint the Chairperson of the each Standing Committee, with the approval of the Executive Board. The President shall be a member ex officio of all standing committees except the nominating and audit committees.

A. Nominating Committee. The Nominating Committee shall be responsible for coordination of the annual officer election process of the Executive Board. This Committee shall be made up of at least one (1) Executive Board Member and one (1) member. The Committee shall present names of persons interested in holding office at the April General meeting of each year.

B. Audit Committee. The Audit Committee shall consist of at least two (2) members who are not authorized signers on any bank account of the organization. A financial audit shall be held at least once per year and prior to the new Executive Board taking office. The Executive Board shall appoint the members of the Audit Committee. Members of the Audit Committee shall not be related by blood or marriage and shall not reside in the same household. The Audit Committee shall report their results to the Executive Board.

Article VI Special Committees

6.01 The President with the approval of the Executive Board may create such Special Committees as it deems necessary to promote the Purposes of this organization.

6.02 The President with the approval of the Executive Board shall appoint a chairperson for each Special Committee. The Chairperson of each Special Committee shall serve a term of one (1) year; however, they may be re-elected for up to two (2) years in the same Chair position.

6.3. Special Committees may include, but are not required to include, the following:

A. Spirit Wear Committee – Responsible for ensuring the efficient operations of spirit wear sales including the provision and storage of all products for sale, the establishment of a sales schedule, the scheduling of volunteers, accounting for receipts and reporting to the Treasurer.

B. Concessions Committee - Responsible for ensuring the efficient operations of the concession stands including the provision of all products for sale, the scheduling of volunteers and accounting of receipts and reporting to the Treasurer.

C. Membership Committee. Responsible for inviting parents to join the booster club and maintaining a current membership list. These duties may be combined with another committee or position such as Communications or Secretary.

D. Communications Committee. Responsible for providing updated information on Booster activities on the Athletics' website and through email.

Article VII General Provisions/Finances

6.01 Operating Funds. Operating funds shall be maintained in a general fund, and an accounting of such funds shall be presented at all meetings.

6.02 Annual Statement. The Executive Board shall present at each annual meeting, or when called by vote of the members at any meeting, a full and clear statement of the condition of the organization.

6.03 Group Exemption. This nonprofit organization will qualify as a tax-exempt organization under the provisions of Section 501(c)(3) of the Internal Revenue code and its Regulations as they now exist.

6.04 Obligations: The Executive Board may authorize any officer or officers to enter into contracts or agreements for the purchase of materials or services on behalf of the organization.

6.05 Loans: No loans shall be made by the organization to its officers or members.

6.06 Banking: The Treasurer shall deposit all funds of the organization to the credit of the organization in such banks, trust companies or other depositories as the Executive Board may select and shall make such disbursements as authorized by the Executive Board in accordance with the budget adopted by the membership. All deposits and/or disbursements shall be made as soon as practicable upon receipt of the funds and/or orders of payment.

6.07 Financial controls: The organization shall adopt appropriate financial controls to ensure the integrity of its funds. Specifically, without limitation, the organization shall maintain separation of financial controls so that, minimally:

A. All expenses must be approved by the membership by way of approval of an annual budget, or amendments thereto, or be approved by separate resolution of the Executive Board;

B. All checks, drafts, or other orders for the payment of money on behalf of the organization shall require two signatures and be signed by the Treasurer and by any other person as authorized in writing by the Executive Board.

C. The President with approval by the Executive Board, shall designate a person, other than the Treasurer or him/herself to open and review all bank statements; and,

D. An audit committee shall be appointed and perform a yearly financial audit of the organization's financial records.

6.08 **Financial Report:** The Treasurer shall present a financial report at each membership meeting of the organization and shall prepare a final report at the close of the year in accordance with the organization's financial policies. The Executive Board shall have the report and the accounts examined annually. If the organization grosses less than \$100,000 per year, the financial practices and accounts may be reviewed by an internal audit committee. If the organization grosses between \$100-200,000 in receipts, an external professional, such as a Certified Public Accountant (CPA), shall be hired by the audit committee to perform a financial review or compilation. A full audit shall be conducted by an external CPA when annual gross receipts equal or exceed \$200,000.

6.10 **Fiscal Year:** The fiscal year of the organization shall be from May 1 to April 30 but may be changed by resolution of the Executive Board.

6.11 **Record retention:** All records of the organization shall be maintained and destroyed in accordance with law and standard record retention guidelines. Financial records shall be maintained as follows:

RECORD	HOW TO STORE	PERIOD OF TIME
Year-end Treasurer's financial report/statement	Store in corporate record book.	Permanent
Treasurer's reports, periodic	Compile & file records on yearly basis.	Three Years. Store w/financial records. Destroy after three years.
Bank statements, canceled checks, check registers, invoices, receipts, cash tally sheets, investment statements, and related documents	Compile & file records on a yearly basis.	Seven Years. Store w/financial records. Destroy after seven years.

Article VII Conflicts of Interest

7.01 **Existence of Conflict, Disclosure:** All Executive Board Officers and Committee Chairs should refrain from any actions or activities that impair, or appear to impair, their objectivity in the performance of their duties on behalf of the organization.

A conflict of interest may exist when the direct, personal, financial or other interest(s) of any Executive Board Officers or Committee Chair competes or appears to compete with the interests of the

organization. If any such conflict of interest arises the interested person shall call it to the attention of the Executive Board for resolution. If the conflict relates to a matter requiring Board action, such person shall not vote on the matter.

When there is a doubt as to whether any conflict of interest exists, the matter shall be resolved by a vote of the Executive Board, excluding the person who is the subject of the possible conflict.

7.02 Nonparticipation in Vote: The person having a conflict shall not participate in the final deliberation or decision regarding the matter under consideration and shall retire from the room in which the Board is meeting. However, the person may be permitted to provide the Board with any and all relevant information.

7.03 Minutes of Meeting: The minutes of the meeting of the Board shall reflect that the conflict was disclosed and the interested person was not present during the final discussion or vote and did not vote on the matter.

Article VIII Indemnification

Every member of the Executive Board or Committee Chair may be indemnified by the organization against all expenses and liabilities, including counsel fees, reasonably incurred or imposed upon such person in connection with any threatened, pending, or completed action, suit or proceeding to which she/he may become involved by reason of her/his being or having been a member of the Executive Board or Committee, or any settlement thereof, unless adjudged therein to be liable for negligence or misconduct in the performance of her/his duties.

Provided, however, that in the event of a settlement the indemnification herein shall apply only when the Executive Board approves such settlement and reimbursement as being in the best interest of the corporation. The foregoing right of indemnification shall be in addition and not exclusive of all other rights.

Article IX Amendments

9.01 Amendments to Bylaws. These Bylaws may be altered, amended, or repealed, and new bylaws may be adopted by a majority of the Executive Board.

9.02 Amendments to the Articles of Incorporation. The Executive Board shall adopt a resolution setting forth any proposed amendment of the Articles of Incorporation, which, if approved by a majority of the Executive Board, shall be again submitted for a vote at the next regular meeting of the Executive Board.

CERTIFICATE OF SECRETARY

I certify that I am the duly elected and acting secretary of the Lincoln Charter Sports Booster Club and these Bylaws constitute the organization's Bylaws. The Bylaws were duly adopted at a meeting of the general membership of the Lincoln Charter School Sports Booster Club held on September 20th, 2021.

Dated: _____9_/____20____/____2021____

Secretary of the Booster Club